

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.63711-M of 2005

Date of Decision:- 16.1.2007

Birender Singh & ors.

....Petitioner(s)

through

Mr.R.N.Lohan, Advocate

vs.

Pehlwan

....Respondent(s)

through

Mr.Gurmail Singh, Advocate.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

SURYA KANT, J.

The prayer in this petition under Section 482 Cr.P.C. is for quashing of the complaint dated 5.4.2002 which the respondent has filed under Section 3(x) of SC/ST (Prevention of Atrocities) Act, 1989 as also the order dated 14.12.2002 passed by the learned Chief Judicial Magistrate, Rewari whereby the petitioners have been summoned in the afore-stated complaint as well as the order dated 27.10.2005 of the learned Sessions Judge, Rewari dismissing the revision petition preferred by the petitioners against their summoning order.

Learned counsel for the petitioners has made various contentions to substantiate his plea that the impugned complaint is founded upon false allegations. In this regard, reference has been made to the fact that earlier the respondent had made a complaint to the police but the same having been found false, led to initiation of proceedings against the respondent under Section 182 IPC in which charges have also been framed against him by the learned Chief Judicial Magistrate, Rewari.

After hearing learned counsel for the parties and having regard

to the fact that seriously disputed questions of fact are involved which cannot be conveniently gone into in these proceedings, this petition is disposed of with the following directions:-

(i)the petitioners may surrender before the learned trial Court and furnish the requisite bail bonds to its satisfaction, upon which they will be admitted to bail; and

(ii)the petitioners shall be at liberty to raise all the pleas before the learned trial Court at an appropriate stage and the same shall be gone into in accordance with law.

January 16, 2007
poonam

(SURYA KANT)
JUDGE